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Straub & Pokotylo
788 Shrewsbury Avenue
Tinton Falls NJ 07724

In re Application of	:	
Anderson et al.	:	ON APPLICATION FOR
Application No. 10/634,501	:	PATENT TERM ADJUSTMENT
Filed: August 5, 2003	:	
Attorney Dkt. No. GOOGLE-54(GP-	:	
064-06-US)	:	
For: SERVING CONTENT-RELEVANT	:	
ADVERTISEMENTS WITH CLIENT-SIDE	:	
DEVICE SUPPORT	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 CFR §1.705," filed November 10, 2010. This request is properly treated under 37 CFR 1.705(b). Applicants request that the determination of patent term adjustment be corrected from zero (0) days to one thousand two hundred forty-six (1,246) days.

The request for review of the patent term adjustment is **GRANTED** to the extent indicated.

Applicants contend that the reduction required for the abandonment of the application is 0 days, not 645 days. Further applicants contend that Office delay for mailing the final rejection should be increased to 861 days based upon the submission of the response to the non-final rejection of August 10, 2006.

A review of the application history shows a reduction of 0 days, is warranted for the abandonment of the application pursuant to 37 CFR § 1.704(c)(3)(i). The record shows that the holding of abandonment was withdrawn. The response to the non-final Office action was received in the Office on August 14, 2006 was determined to have been timely. Thus, the 645 day reduction will be removed.

However, it is noted that pursuant to 37 CFR 704(b)a reduction of 96 days is warranted. 37 CFR §1.704(b) provides:

an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in §1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed.

In this instance, a reduction of 96 days for the submission of reply on August 14, 2006 is warranted. The patent term should have been assessed a reduction of 96 days, the number of days in excess of three months that was taken to reply to the February 10, 2006 non-final Office action. Accordingly, a 96 day reduction will be entered.

It should be noted that the date of receipt of a reply is the date used. In this instance the date of receipt of the response was August 14, 2006, not August 10, 2006. The Office notes that the date of filing of a paper will be used in calculating any periods of reduction of patent term adjustment. If applicant wanted to avoid a reduction applicant should have considered the use of the "Express Mail Post Office to Addressee " service of the United States Postal Service (37 CFR 1.10) or facsimile transmission (37 CFR 1.6(d)) for replies to be accorded the earliest possible filing date for patent term adjustment calculations. Alternatively, applicant could have chosen to mail correspondence with sufficient time to ensure that the correspondence is received in the Office (and stamped with a date of receipt) before the expiration of the three-month period. See MPEP 2731.

Applicants also contend that Office delay in response to the August 10, 2006 response should result in an adjustment of 861 days not 212 days pursuant to 37 CFR 1.703(a)(3).

A review of the record shows that the adjustment of 858 days is warranted. 37 CFR 1.702(a)(2) provides that:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:

Respond to a reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal was taken;

In this instance, the Office took until April 20, 2009 to mail a final Office action in response to the response to the non-final Office action filed August 14, 2006. Pursuant to 37 CFR §1.703(a)(2), a period of adjustment of eight hundred fifty-eight (858) days, counting the number of days in the period beginning on the day after the date that is four months after the date a reply was filed, December 15, 2006, and ending on the date of mailing of an action under 35 U.S.C. 132, April 20, 2009, should have been entered. As such the 212 day adjustment will be removed and a 858 day adjustment will be entered.

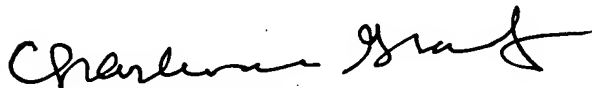
At the time of mailing of the Notice of Allowance, applicants' delay totals 416 (94 + 96 + 106 + 92 + 28) days and Office delay totals 1351 (493 + 858) days.

In view thereof, the correct determination of PTA at the time of the mailing of the notice of allowance is **nine hundred thirty-five (935) days**.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema Grant", with a stylized flourish at the end.

Charlema Grant
Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 10634501 Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 10634501

Application Filing Date	08/05/2003	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	705
A Delays	705	PTO Manual Adjustment	1195
B Delays	0	Applicant Delay (APPL)	965
C Delays	0	Total PTA (days)	935

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
135	06/02/2011		P028	Adjustment of PTA Calculation by PTO	858		0
134	06/02/2011		P028	Adjustment of PTA Calculation by PTO		212	0
133	06/02/2011		P028	Adjustment of PTA Calculation by PTO		96	0
132	06/02/2011		P028	Adjustment of PTA Calculation by PTO	645		0
119	08/11/2010		MN/=.	Mail Notice of Allowance			0
118	08/10/2010		DVER	Document Verification			0
117	08/10/2010		IREV	Issue Revision Completed			0
116	08/10/2010		N/=.	Notice of Allowance Data Verification Completed			0
115	08/04/2010		CNTA	Allowability Notice			0
108	07/31/2010		ABN9	Disposal for a RCE / CPA / R129			0
112	07/28/2010		IDSC	Information Disclosure Statement considered			0
111	07/28/2010		RCAP	Reference capture on IDS			0
110	07/28/2010		M844	Information Disclosure Statement (IDS) Filed			0
109	07/28/2010		RCEX	Request for Continued Examination (RCE)			0
107	07/28/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
106	07/28/2010		BRCE	Workflow - Request for RCE - Begin			0
105	06/16/2010		FIDC	Finished Initial Data Capture			0
104	05/04/2010		EIDC	Export to Initial Data Capture			0
103	04/29/2010		MN/=.	Mail Notice of Allowance			0
102	04/28/2010		IREV	Issue Revision Completed			0
101	04/17/2010		N/=.	Notice of Allowance Data Verification Completed			0
100	04/17/2010		DOCK	Case Docketed to Examiner in GAU			0
99	04/17/2010		DVER	Document Verification			0
98	04/17/2010		ACRE	Allowed Case Returned to the Examiner for Clerical Processing			0
97	04/12/2010		CNTA	Allowability Notice			0
94	04/09/2010		FWDX	Date Forwarded to Examiner			0
93	03/09/2010	02/09/2010	A...	Response after Non-Final Action		28	91
92	03/09/2010		XT/G	Request for Extension of Time - Granted			0
91	11/09/2009		MCTNF	Mail Non-Final Rejection			0
90	11/03/2009		CTNF	Non-Final Rejection			0
86	10/23/2009		FWDX	Date Forwarded to Examiner			0
84	10/23/2009		FWDX	Date Forwarded to Examiner			0
82	10/23/2009		ABN9	Disposal for a RCE / CPA / R129			0
89	10/21/2009		IDSC	Information Disclosure Statement considered			0
88	10/21/2009		RCAP	Reference capture on IDS			0
87	10/21/2009		M844	Information Disclosure Statement (IDS) Filed			0
75	10/21/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
85	10/20/2009		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE			0
83	10/20/2009	07/20/2009	RCEX	Request for Continued Examination (RCE)		92	73
76	10/20/2009		XT/G	Request for Extension of Time - Granted			0
74	10/20/2009		BRCE	Workflow - Request for RCE - Begin			0
73	04/20/2009	09/20/2008	MCTFR	Mail Final Rejection (PTOL - 326)	212		67
72	04/17/2009		CTFR	Final Rejection			0
69	03/31/2009		DOCK	Case Docketed to Examiner in GAU			0
65	02/27/2009		MNRAB	Mail Notice of Rescinded Abandonment			0
68	02/26/2009		FWDX	Date Forwarded to Examiner			0
64	02/26/2009		NRAB	Notice of Rescinded Abandonment in TCs			0
63	12/02/2008		MM327	Mail Miscellaneous Communication to Applicant			0
62	12/01/2008		M327	Miscellaneous Communication to Applicant - No Action Count			0
60	11/20/2008		C.ADB	Correspondence Address Change			0
59	10/07/2008		C.ADB	Correspondence Address Change			0
70	09/03/2008	05/20/2008	M844	Information Disclosure Statement (IDS) Filed		106	67
61	09/03/2008		IDSC	Information Disclosure Statement considered			0
58	09/03/2008		WIDS	Information Disclosure Statement (IDS) Filed			0
57	08/20/2008		DOCK	Case Docketed to Examiner in GAU			0

56	06/09/2008	MPREV	Mail-Petition to Revive Application - Granted	0
55	06/09/2008	PREV	Petition to Revive Application - Granted	0
67	05/20/2008	08/14/2006 A...	Response after Non-Final Action	645 37
66	05/20/2008	XT/G	Request for Extension of Time - Granted	0
54	05/20/2008	PET.	Petition Entered	0
50	05/07/2008	MABN2	Mail Abandonment for Failure to Respond to Office Action	0
49	05/06/2008	ABN2	Aband. for Failure to Respond to O. A.	0
53	04/15/2008	M844	Information Disclosure Statement (IDS) Filed	0
48	04/15/2008	WIDS	Information Disclosure Statement (IDS) Filed	0
47	03/11/2008	DOCK	Case Docketed to Examiner in GAU	0
52	02/11/2008	RCAP	Reference capture on IDS	0
51	02/11/2008	M844	Information Disclosure Statement (IDS) Filed	0
45	02/11/2008	WIDS	Information Disclosure Statement (IDS) Filed	0
44	07/16/2007	RCAP	Reference capture on IDS	0
43	07/16/2007	M844	Information Disclosure Statement (IDS) Filed	0
42	07/16/2007	WIDS	Information Disclosure Statement (IDS) Filed	0
41	02/09/2007	MEXIN	Mail Examiner Interview Summary (PTOL - 413)	0
40	02/05/2007	EXIN	Examiner Interview Summary Record (PTOL - 413)	0
39	10/30/2006	NINA	Mail Notice of Informal or Non-Responsive Amendment	0
38	08/23/2006	FWDX	Date Forwarded to Examiner	0
35	08/15/2006	MEXIN	Mail Examiner Interview Summary (PTOL - 413)	0
37.1	08/14/2006	A.I.	Informal or Non-Responsive Amendment after Examiner Action	0
37	08/14/2006	A...	Response after Non-Final Action	0
36	08/14/2006	XT/G	Request for Extension of Time - Granted	0
34	08/08/2006	EXIN	Examiner Interview Summary Record (PTOL - 413)	0
33	06/27/2006	DOCK	Case Docketed to Examiner in GAU	0
32	02/10/2006	10/05/2004 MCTNF	Mail Non-Final Rejection	493 -1
31	11/23/2005	IDSC	Information Disclosure Statement considered	0
28	11/23/2005	RCAP	Reference capture on IDS	0
27.7	11/23/2005	M844	Information Disclosure Statement (IDS) Filed	0
27	11/23/2005	WIDS	Information Disclosure Statement (IDS) Filed	0
26	10/06/2005	DOCK	Case Docketed to Examiner in GAU	0
23	07/25/2005	CTNF	Non-Final Rejection	0
30	07/18/2005	IDSC	Information Disclosure Statement considered	0
25	07/18/2005	RCAP	Reference capture on IDS	0
24.7	07/18/2005	M844	Information Disclosure Statement (IDS) Filed	0
24	07/18/2005	WIDS	Information Disclosure Statement (IDS) Filed	0
29	02/28/2005	IDSC	Information Disclosure Statement considered	0
21.7	02/28/2005	M844	Information Disclosure Statement (IDS) Filed	0
21	02/28/2005	WIDS	Information Disclosure Statement (IDS) Filed	0
20	11/11/2004	C.ADB	Correspondence Address Change	0
19	10/06/2004	DOCK	Case Docketed to Examiner in GAU	0
18	09/15/2004	DOCK	Case Docketed to Examiner in GAU	0
17	06/02/2004	TSSCOMP	IFW TSS Processing by Tech Center Complete	0
16	06/02/2004	DOCK	Case Docketed to Examiner in GAU	0
15	05/18/2004	WROIPE	Application Return from OIPE	0
14	05/18/2004	ROIPE	Application Return TO OIPE	0
13	05/18/2004	OIPE	Application Dispatched from OIPE	0
12	05/18/2004	COMP	Application Is Now Complete	0
11	05/07/2004	02/03/2004 FLFEF	Payment of additional filing fee/Preexam	24 9
10	05/07/2004	OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	0
9	11/03/2003	INCD	Notice Mailed--Application Incomplete--Filing Date Assigned	0
7	11/03/2003	INCD	Notice Mailed--Application Incomplete--Filing Date Assigned	0
5	11/03/2003	C.AD	Correspondence Address Change	0
4	10/22/2003	CLSS	CASE CLASSIFIED BY OIPE	0
3	10/22/2003	L194	Cleared by OIPE CSR	0
8	10/14/2003	RESC	Rescind Nonpublication Request for Pre Grant Publication	0
2	09/18/2003	SCAN	IFW Scan & PACR Auto Security Review	0
6	08/05/2003	NPRQ	PGPubs nonPub Request	0
1	08/05/2003	IEXX	Initial Exam Team nn	0

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